

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member Longville

February 20, 2003

An act to amend Section 4990.3 of, and to add Chapter 10.5 (commencing with Section 4700) to Division 2 of, the Business and Professions Code, relating to alcohol and drug abuse counselors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as introduced, Longville. Alcohol and drug abuse counselors.

Existing law provides for the licensure, regulation, and discipline of various health care providers, including physicians and surgeons, dentists, marriage and family therapists, psychologists, and social workers.

This bill would enact the Alcohol and Drug Abuse Counselors Licensing Law to be administered by the Board of Behavioral Sciences in the Department of Consumer Affairs. The bill would require that one of the 2 licensed clinical social workers on the board also have a license as an alcohol and drug abuse counselor. The bill would require the board to adopt rules and regulations regarding alcohol and drug abuse counselors, administer a semiannual licensing examination to applicants, discipline licensees, and establish a program for alcohol and drug abuse interns. The bill would require the board to issue a license to an applicant meeting specified qualifications. The bill would require the board to complete an occupational analysis on alcohol and drug abuse counseling and report its findings to the Legislature on or before January 1, 2005. The bill would impose unspecified licensing and

registration fees on licensees and a \$75 registration fee on interns. These fees would be deposited into the Behavioral Sciences Fund and continuously appropriated to the board for the purposes of the bill.

Because the bill would make it a misdemeanor for an individual to represent himself or herself as a licensed alcohol and drug abuse counselor without a valid license, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10.5 (commencing with Section 4700)
2 is added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 10.5. ALCOHOL AND DRUG ABUSE COUNSELORS
6

7 4700. This chapter constitutes, and may be cited as the
8 Alcohol and Drug Abuse Counselors Licensing Law.

9 4701. The following definitions apply for the purposes of this
10 chapter:

11 (a) "Board" means the Board of Behavioral Sciences.

12 (b) "Licensee" means a person licensed under this chapter as
13 an alcohol and drug abuse counselor who, for compensation,
14 renders alcohol and other drug dependency and abuse counseling,
15 or related services, to an individual, group, organization,
16 corporation, institution, or the general public.

17 (c) "Intern," as used in this chapter, means an unlicensed
18 person who has completed educational requirements and passed
19 the written examination qualifying him or her for licensure and is
20 registered as an intern with the board.

21 (d) "Department" means the Department of Consumer
22 Affairs.

1 4702. The board shall administer and enforce the provisions
2 of this chapter. These duties include, but are not limited to, the
3 following:

4 (a) Adopt rules and regulations to implement the provisions of
5 this chapter.

6 (b) Administration of a semiannual licensure examination.

7 (c) Initiate disciplinary action against a licensee, including
8 censure, reprimand, probation, or revocation of the license.

9 (d) Establish continuing education requirements for licensees.

10 (e) Establish procedures for the receipt, investigation, and
11 resolution of complaints.

12 (f) Establish supervision and supervisory requirements for
13 interns.

14 (g) Establish criteria to determine the adequacy of an
15 educational institution's curriculum to satisfy the requirements for
16 licensure under this chapter.

17 (h) Establish a code of ethics for licensees.

18 (i) Establish reinstatement procedures for a license issued
19 under this chapter that has expired or been revoked.

20 (j) For the purposes of initial registration and public input, the
21 board may establish procedures for collecting documentation
22 about organizations who certify counselors in California. This
23 documentation may include periodic lists of currently certified
24 members.

25 4703. (a) The department shall issue a registration to
26 counselors who meet the following requirements:

27 (1) Is a resident of the state.

28 (2) Is at least 18 years of age.

29 (3) Can show proof of current certification by an organization
30 certifying alcohol and drug treatment professionals in California
31 who maintains a written code of ethics.

32 (4) Has paid a registration fee of ____ dollars (\$____).

33 (b) The term of a registration issued under this section is two
34 years and may be renewed one time for two additional years.

35 (c) The registration may be revoked by the board if the
36 certification of the registrant is revoked by the certification
37 organization for not complying with the organization's written
38 code of ethics.

(d) The board may deny registration to an applicant whose certifications are obtained from organizations it deems to have insufficient means to ensure ethical behavior from its members.

4704. (a) The board shall complete an occupational analysis of the profession of alcohol and drug abuse counseling on or before January 1, 2005, and report its findings to the Legislature. The occupational analysis shall include input from counselors, certifying organizations, academic institutions, as well as county and private alcohol and drug abuse treatment programs.

(b) If the occupational analysis performed by the board concludes that 315 hours of classroom instruction, 6,000 hours of supervised work experience hours and a 300-hour field work practicum, in conjunction with a passing score on a written and oral examination approved by the board, are sufficient to assure that the knowledge, skills, and attitudes of professional practice for alcohol and drug abuse counselors have been met, the board shall cease to issue registrations and all previous registrations shall become void after January 1, 2008.

4705. (a) If the occupational analysis performed by the board concludes that 315 hours of classroom instruction, 6,000 hours of supervised work experience hours and a 300-hour field work practicum, in conjunction with a passing score on a written and oral examination approved by the board, are sufficient to assure that the knowledge, skills, and attitudes of professional practice for alcohol and drug abuse counselors have been met, beginning January 1, 2006, the board shall issue a license to counselors who meet the following requirements:

- (1) Is a resident of the state.
- (2) Is at least 18 years of age.
- (3) Is a high school graduate or possesses a general education development equivalent.
- (4) Has completed 315 hours of classroom instruction in a curriculum approved by the board.
- (5) Has 6,000 hours of working with chemically dependent persons in a clinically supervised setting.
- (6) Has completed 300 hours of field work in a clinically supervised practicum.
- (7) Submits two letters of reference from licensees.
- (8) Achieves a passing score on an oral and a written examination, both of which have been approved by the board.

1 (b) The term of a license issued under this section is two years.
2 The license may be renewed upon application to the board and
3 payment of the fee specified in Section 4703.

4 4706. (a) If the occupational analysis performed by the
5 Department concludes that 315 hours of classroom instruction,
6 6,000 hours of supervised work experience hours and a 300 hour
7 field work practicum, in conjunction with a passing score on a
8 written and oral examination approved by the board, are sufficient
9 to assure that the knowledge, skills and attitudes of professional
10 practice for alcohol and drug abuse counselors have been met,
11 beginning January 1, 2006, the board shall begin registering
12 interns to applicants who shall:

13 (1) Have completed education requirements in Section 4705.

14 (2) Be registered as an intern with the board prior to the intern
15 performing any duties.

16 (3) File for renewal of registration as an intern annually for a
17 maximum of six years after initial registration an intern with the
18 board.

19 (4) Inform each client or patient prior to performing any
20 professional services that he or she is unlicensed and under the
21 supervision of a licensed alcohol and drug abuse counselor,
22 marriage and family therapist, licensed clinical social worker,
23 licensed psychologist, licensed physician certified in psychiatry
24 by the American Board of Psychiatry and Neurology, or a licensed
25 physician who has completed a residency in psychiatry and who
26 is described in subdivision (f) of Section 4980.40, whichever is
27 applicable.

28 (b) Renewal of registration as an intern shall include filing an
29 application for renewal, paying a renewal fee of seventy-five
30 dollars (\$75) and by notifying the board whether any disciplinary
31 action has been taken by any regulatory or licensing board in this
32 or any other state subsequent to the registrant's last renewal.

33 4707. (a) A person licensed under this chapter may perform
34 the following functions without supervision in connection with
35 alcohol and drug abuse counseling: screening, intake, orientation,
36 assessment, treatment planning, treatment, case management,
37 substance abuse, or dependence crisis intervention, client
38 education, referral activities, recordkeeping, and consultation
39 with other healing arts professionals.

(b) A person licensed under this chapter may also supervise, direct, and instruct others who provide alcohol or drug abuse treatment services.

4708. A person shall not represent himself or herself as a licensed alcohol and drug abuse counselor, and shall not use the title, initials, or description of a licensed alcohol and drug abuse counselor, without a valid license issued under this chapter. A person who violates this section is guilty of a misdemeanor, punishable by a fine of not less than five hundred dollars (\$500).

4709. The board shall assess a fee in the amount of _____ dollars (\$____) that each applicant shall pay to the board for the issuance of a license under this chapter and for its renewal. The fees shall be deposited into the Behavioral Sciences Fund and are continuously appropriated to the board to carry out this chapter.

SEC. 2. Section 4990.3 of the Business and Professions Code is amended to read:

4990.3. Two members of the board shall be state-licensed clinical social workers *of which one shall be dually licensed as an alcohol and drug abuse counselor*, one shall be a licensed educational psychologist, two shall be state-licensed marriage and family therapists, and six shall be public members. Each member, except the six public members, shall hold at least a master's degree from an accredited college or university and shall have at least two years of experience in his or her profession.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.